

REMARKS

This amendment is submitted in response to the Office Action dated April 30, 2007. Reconsideration and allowance of the claims are requested. In the Office Action, the claims 10, 14 and 20 were objected to. Claims 10 and 14 have been corrected, claim 20 has been cancelled. Claims 1-3, 7-9, 14-17, 22-25 stand rejected under 35 USC §103(a) as unpatentable over Master (US Pub. 2002/0138716). This rejection is respectfully traversed.

As pointed out in the previous response, and as acknowledged by the Examiner, provisional application 60/415,320 was properly cross-referenced at paragraph [01] at page 2 of the present application and incorporated by reference herein. A copy of the provisional application is attached. That application included inter alia, a copy of the Master application, now cited as a reference against the present application, because of its publication four days prior to the filing date of the provisional application 60/415,320.

The Applicant herein has previously argued, and the Examiner has agreed, that the provisional application fully supports the claims of the present application. However, the Examiner urges at page 3, paragraph 6 of his Office Action that Master is still a 102(a) type reference because it was published four days before the provisional filing date. The Examiner invited the inventors herein to swear behind the Master reference.

In response, one of the inventors on the subject application, Mr. Dan MingLun Chuang, has executed a declaration under 37 CFR §131, which clearly states, in pertinent part, that he conceived his invention prior to September 26, 2002, and he establishes this by copies of the documents attached to his declaration. He also states that he diligently caused the provisional application, which incorporates these documents, to be filed in the USPTO. Of course, this is readily apparent from the fact that there is only 5 days of elapsed time between the publication date of the reference and the filing date of the provisional application. Therefore, a date of prior invention by Mr. Dan MingLun Chuang is clearly established.

Applicants have also diligently sought to find Mr. Chuang's co-inventor, Mr. Rojit Jacob. The Applicants' attorney attaches hereto an affidavit demonstrating the efforts to find Mr. Jacob. Included are copies of internet communications with the previous

owners of the present Application who were in the best position to have a current address for Mr. Jacob. The only address on record for Mr. Jacob, however, is the address that appears in the papers filed in the present Application. The Attorneys affidavit further establishes that a number of communications were sent to Mr. Jacob asking his cooperation in preparing this affidavit. None of the attempted deliveries were successful.

As the foregoing shows, the attached declaration establishes that the present and claimed invention was conceived prior to the publication date of the Master reference.

Therefore, withdrawing the Master reference, as suggested by the Examiner, should result in the allowance of all the claims.

Respectfully submitted,



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